

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID LUCAS,  
Plaintiff,

v.

TERRY RAYBON,  
Defendant.

Case No. [18-cv-07134-EMC](#)

**ORDER DENYING POST-JUDGMENT  
MOTION**

Docket No. 15


Plaintiff, an Alabama prisoner, filed this action to obtain pre-action discovery under Federal Rule of Civil Procedure 27 from Facebook and a yet-to-be-determined tech firm to learn information so he could file suit in an Alabama state or federal court. This Court dismissed the action because it was filed in the wrong venue, and noted that the dismissal was without prejudice to plaintiff filing a new action in the appropriate district court in Alabama (where there appeared to be two districts that might be appropriate). Plaintiff has filed a motion to alter, amend, or vacate the judgment, saying that he would like the Court to reopen the action to transfer it to the Middle District of Alabama because he “lack[s] funds and resources to duplicate the motions already before the court for the Middle District of Alabama.” Docket No. 15.

A party may move to alter or amend a judgment in a motion filed no later than 28 days after entry of judgment. *See* Fed. R. Civ. P. 59(e). A motion for reconsideration under Federal Rule of Civil Procedure 59(e) ““should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed *clear error*, or if there is an intervening change in the law.”” *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (citation omitted) (en banc). Mr. Negrete has not shown newly discovered evidence, clear

1 error by the Court, or an intervening change in the law. His motion to alter, amend, or vacate the  
2 judgment therefore is **DENIED**. Docket No. 15.

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4 **IT IS SO ORDERED.**

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6 Dated: April 25, 2019

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9 EDWARD M. CHEN  
United States District Judge